



# PUBLIC NOTICE

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## MOBILITY FUND PHASE I AUCTION 52 BIDDERS QUALIFIED TO PARTICIPATE IN AUCTION 901

### AU Docket No. 12-25

1. In this Public Notice, the Wireless Telecommunications and Wireline Competition Bureaus identify 52 applicants found to be qualified to bid in the upcoming Mobility Fund Phase I Auction (Auction 901). Bidding in Auction 901 is scheduled to be held on Thursday, September 27, 2012.<sup>1</sup> This Public Notice contains bidding instructions and other important information regarding Auction 901. It also addresses the continuing obligations and auction procedures for all Auction 901 applicants, including those that have not qualified to bid.

#### I. QUALIFIED BIDDERS AND APPLICANTS NOT QUALIFIED TO BID

##### A. Qualified Bidders

2. Attachment A to this Public Notice lists the name of each of the 52 qualified bidders.<sup>2</sup> Designation of an applicant as qualified to bid in the auction indicates that the applicant has provided the certifications and basic information concerning its qualifications required by the Commission's competitive bidding rules for participation in the auction.<sup>3</sup>

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<sup>1</sup> See "Mobility Fund Phase I Auction Scheduled for September 27, 2012: Notice and Filing Requirements and Other Procedures for Auction 901," *Public Notice*, AU docket No. 12-25, DA 12-641, 27 FCC Rcd 4725 (2012) ("*Auction 901 Procedures Public Notice*"). See also "Mobility Fund Phase I Auction: Status of Short-Form Applications to Participate in Auction 901," *Public Notice*, AU Docket No. 12-25, DA 12-1272 (rel. August 9, 2012) ("*Auction 901 Status Public Notice*").

<sup>2</sup> Attachment A reflects that applicant Nemont Communications, Inc. requested a *pro forma* change of its name to Sagebrush Cellular, Inc. following the release of the *Auction 901 Status Public Notice*. This name change is also reflected within the Commission's electronic bidding system database.

<sup>3</sup> Under the Commission's two-phased auction application process, a winning bidder must submit after the close of the auction a long-form application, any final designation as an Eligible Telecommunications Carrier (ETC) that any Tribally-owned or -controlled applicant may still require, and an irrevocable stand-by letter (or letters) of credit to demonstrate its qualifications for Mobility Fund Phase I support. Thus, a determination that a short-form application is complete and complies with the Commission's competitive bidding rules and policies is not determinative of an applicant's qualifications to receive Mobility Fund Phase I support. In the event that an applicant is found unqualified to be a recipient of Mobility Fund Phase I support, it will be liable for any obligations incurred as a result of its participation in the auction. See 47 C.F.R. § 1.21004; see also *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4776-77 ¶¶ 184-88. In this regard, we note that NTUA Wireless, LLC (NTUAW), which is listed as a qualified bidder, claims eligibility to bid as a Tribally-owned or -controlled entity pursuant to

3. In order to participate effectively in the auction, each qualified bidder should again review the auction rules, procedures, and other information described in the *Auction 901 Procedures Public Notice* and subsequent public notices.<sup>4</sup> These public notices and other documents related to Auction 901 are available on the Commission's auctions website at <http://wireless.fcc.gov/auctions/>. This Public Notice provides additional guidance.

#### **B. Applicants Not Qualified to Bid**

4. Attachment B to this Public Notice lists each applicant that submitted a short-form application but did not qualify to bid in this auction. This applicant remains subject to the Commission's rules prohibiting certain communications in connection with Commission auctions.<sup>5</sup>

## **II. REGISTRATION AND BIDDING ACCESS**

#### **A. Registration Materials**

5. Qualified bidders have been automatically registered for the auction. Registration materials will be sent to the contact person at the contact address identified in the applicant's short-form application. Upon receipt, each bidder should be in possession of the following:

- At least two RSA SecurID<sup>®</sup> tokens
- FCC Auction System Bidder's Guide
- FCC Auction Bidder Line phone number

6. Each qualified bidder is solely responsible for ensuring the security of its computer systems and its registration materials and for ensuring that only authorized bidders place bids on its behalf. The Commission assumes no responsibility or liability for these matters.

**WARNING:** Any unauthorized entity accessing or tampering with an FCC or other government computer system will be prosecuted to the full extent of the law.

7. Any qualified bidder listed in Attachment A of this Public Notice that has not received the registration mailing **by 12:00 noon Eastern Time (ET) on Wednesday, September 19, 2012**, must contact the Auctions Hotline directly at (717) 338-2868. Qualified bidders must have these registration materials to submit bids. Receipt of the registration mailing is critical to participating in both the mock auction and the actual auction, and it is the responsibility of each qualified bidder to ensure that all registration information has been received.

#### **B. Registration Material Replacement**

8. In the event a bidder's SecurID<sup>®</sup> tokens are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-

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section 54.1004 (47 C.F.R. § 54.1004). NTUAW also makes a contingent request for waiver of section 54.1003's ETC designation requirement (47 C.F.R. § 54.1003) to participate in Auction 901 without a Tribal bidding credit if it is found not to be a Tribally-owned or -controlled entity. As noted, we do not make final eligibility determinations based on information provided in short-form applications. Therefore, a final determination on NTUAW's eligibility to bid as a Tribally-owned or -controlled entity will not be made until after the announcement of winning bidders and the more comprehensive review that can only take place after submission of long-form applications. Thus, inclusion of NTUAW as a qualified bidder in Auction 901 does not constitute a final determination on its eligibility as a Tribally-owned or -controlled entity, and absent such final determination, we also make no determination on NTUAW's accompanying contingent waiver request.

<sup>4</sup> See generally *Auction 901 Procedures Public Notice*; see also *Auction 901 Status Public Notice*.

<sup>5</sup> See 47 C.F.R. § 1.21002; see also *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4741-47 ¶¶ 46-68.

form application may request replacements. Any bidder requiring replacement of these items must call Technical Support at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY).

### **C. Bidding Access**

9. The Commission will conduct Auction 901 over the Internet. Each qualified bidder can access the FCC Auction System at <http://auctions.fcc.gov> or <http://auctions2.fcc.gov>. Each qualified bidder should review the FCC Auction System Bidder's Guide provided in the registration materials. Please note that Apple® Mac OS® is not currently supported.

10. Bidders will access the FCC Auction System using a web browser. The Bureaus previously recommended using either Microsoft® Internet Explorer 7.0 or higher, with either Microsoft VM or Java Plug-In; or Mozilla® Firefox® 3.5 or higher, with Java Plug-In.<sup>6</sup> After further testing, we have determined that the new mapping feature in the bidding system has certain performance issues with Internet Explorer 7 and, to a lesser extent, Internet Explorer 8. We therefore recommend Firefox® 3.5 or higher, with Java Plug-In.<sup>7</sup>

11. Each authorized bidder must have its own SecurID® token to bid. An applicant with only one authorized bidder will be issued two SecurID® tokens, while an applicant with two or three authorized bidders will be issued three tokens. For security purposes, the SecurID® tokens and the instructions for using them are mailed only to the contact person at the contact address listed on the applicant's short-form application. Please note that each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 901.

12. Please note that the SecurID® tokens can be recycled, and we strongly encourage bidders to return the tokens to the FCC. We will provide pre-addressed envelopes to return the tokens once the auction is closed.

13. Although telephonic bidding will not be available for Auction 901, the Auction Bidder Line will be available during the mock auction and actual auction for bidder questions. The Auction Bidder Line telephone number will be supplied in the registration materials sent to each qualified bidder.

### **D. Bidding Contingency Plan**

14. Each bidder should develop comprehensive contingency plans that can be quickly implemented in case difficulties arise when participating in the auction. While the FCC will correct any problems within Commission-controlled facilities, each bidder is solely responsible for anticipating and overcoming problems such as bidder computer failures or other technical issues, loss of or problems with data connections, telephone service interruptions, adverse local weather conditions, unavailability of its authorized bidders, or the loss or breach of confidential security codes. As referenced above, bidders will receive the Auction Bidder Line telephone number in their registration materials.

## **III. MOCK AUCTION AND BIDDER QUESTIONS**

### **A. Mock Auction**

15. The Bureau strongly encourages each qualified bidder to participate in the mock auction that will be conducted on Friday, September 21, 2012, with one round of bidding beginning at 10:00 a.m. and continuing until 4:00 p.m. ET.<sup>8</sup> The mock auction will enable qualified bidders to become familiar with

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<sup>6</sup> *Auction 901 Status Public Notice* at ¶ 25.

<sup>7</sup> Internet Explorer 9, with either Microsoft VM or Java Plug-In, has worked with the new mapping feature but has not been thoroughly validated with bidding system testing.

<sup>8</sup> The Bureaus recently announced that the mock auction, initially scheduled for September 25, 2012, will instead take place on September 21, 2012. See "Mobility Fund Phase I Auction Release of Files with Recalculated Road

the FCC Auction System and to practice submitting bids. FCC auction staff and technical support staff will be available for questions about the system and auction conduct at the Auction Bidder Line phone number provided in the registration material.

16. The mock auction will be identified as Mock Auction 74 and will follow the rules governing the actual auction. Each bidder must have its SecurID® tokens to log in to the FCC Auction System. The process of placing bids in the mock auction and in the actual auction requires bidders to upload text files of their bids. The FCC Auction System will provide each bidder access to a sample file that identifies the items on which the bidder is potentially eligible to bid based on information provided in the bidder's FCC Form 180. Bidders are reminded that listing an item in this file as a potentially eligible area is not a determination of eligibility under the Commission's rules. The identification of an area as one in which the bidder is *potentially* eligible to bid does not mean that the applicant is *actually* eligible to bid for support in that area. Some of the areas may be outside the areas for which a bidder is actually eligible to bid pursuant to the Commission's rules – *i.e.* the areas in which it is designated as an ETC or, in the case of a Tribally-owned or -controlled entity, areas in its Tribal lands for which it has a pending petition for designation as an ETC. **A bidder should take advantage of the mock auction to practice taking actions it might wish to take during Auction 901, even if the bidder has previously participated in FCC spectrum auctions.**

17. Results will not be provided after the close of the mock auction.

#### **B. Bidder Questions during the Mock Auction and Auction 901**

18. FCC auction staff and technical support staff will be available during the mock auction and the actual auction. Only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application should call on behalf of a bidder. When calling, the person should state that he or she is calling on behalf of a bidder with a time-sensitive auction question. To ask questions during the mock auction or actual auction, a bidder must use the FCC Auction Bidder Line telephone number supplied in the registration materials. Otherwise, a bidder should refer to the contact information provided in Section VII "Contact Information" below.

#### **C. Bidder Suggestions**

19. The FCC Auction System includes a function for any bidder to submit suggestions to the FCC, but this is not an appropriate mechanism for asking time-sensitive questions that may need an immediate response, such as questions about auction procedures or other issues. Any time-sensitive questions should be directed to the Auction Bidder Line or to the appropriate staff contact using the telephone number provided in Section VII "Contact Information" below.

### **IV. AUCTION INFORMATION**

#### **A. Auction Announcements**

20. The Commission will post pertinent auction information as announcements in the FCC Auction System. Each bidder should routinely check for announcements and should read this information carefully.

#### **B. Bidding Schedule**

21. Auction 901 bidding will be held on Thursday, September 27, 2012, with one round of bidding beginning at 10:00 a.m. and continuing until 5:00 p.m. ET.

### **C. Placing Bids**

22. As mentioned above, the process of placing bids requires bidders to upload text files of their bids. The FCC Auction System will provide each bidder access to a sample file that identifies the items on which the bidder is potentially eligible to bid. For each item, the sample file will include the item name, a dollar sign (\$), and the county and state — each separated by a tab. The item names are listed in the “Biddable Items” file that is available at <http://wireless.fcc.gov/auctions/901/> via the link for “Attachment A Files.” Where the sample file contains a dollar sign, the bidder must include the bid amount expressed in dollars per road mile (whole dollar amounts only). Any additional columns are optional and will be ignored by the bidding system. Each bidder is cautioned to upload and review its bid carefully because winning bids confer certain obligations. Any winning bidder that fails to meet these obligations will be subject to a default payment.<sup>9</sup> Bidders are also cautioned that the bidding system cannot accommodate a bidder uploading a file with more than 2,000 bids (or removed bids) at a time.

### **D. Bidding Data and Auction Results**

23. Each bidder will have access to information about their own bidding during the auction but will not have information about other bidders’ actions. Auction 901 will be conducted using procedures under which the Bureaus will withhold, until after the close of bidding and announcement of auction results, the public release of any information that may indicate specific applicants’ interests in the auction, including: (1) information from applicants’ short-form applications regarding their interests in eligible census tracts and/or blocks in particular states and/or Tribal lands, and (2) information that may reveal the identities of bidders placing bids and taking other bidding-related actions.<sup>10</sup> Once the Bureaus announce the auction results, all of the bidding data, including bidder identities, will be made public.

24. Instructions for reviewing and downloading results are provided in the FCC Auction System Bidder’s Guide. The Bidder’s Guide is included with qualified bidders’ registration materials and is available in electronic form through the “HELP” link in the FCC Auction System.

## **V. CONTINUING APPLICANT OBLIGATIONS**

### **A. Prohibited Communications**

25. The Bureau reminds applicants that section 1.21002 of the Commission’s rules prohibits an applicant in a Mobility Fund auction from cooperating or collaborating with any other applicant with respect to its own, or one another’s, or any other competing applicant’s bids, or bidding strategies, and from communication with any other applicant in any manner the substance of its own, or one another’s, or any other competing applicant’s bids or bidding strategies, until after the post-auction deadline for winning bidders to submit applications for support, unless such applicants are identified on the short-form application(s) as parties to an agreement(s) relating to participation in the competitive bidding, pursuant to section 1.21001(b)(3)-(4).<sup>11</sup>

26. This prohibition took effect as of the short-form application filing deadline, which for Auction 901 was July 11, 2012, at 6:00 p.m. ET, and extends until the long-form application deadline,

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<sup>9</sup> *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4776-77 ¶¶ 184-88.

<sup>10</sup> *Id.* at 4766-67 ¶ 147.

<sup>11</sup> 47 C.F.R. §§ 1.21001(b)(3)-(4), 1.21002; *see also* Connect America Fund, WC Docket No. 10-90 *et al.*, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161, 26 FCC Rcd 17663, 17807 ¶ 431 (2011), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011); Connect America Fund, WC Docket No. 10-90 *et al.*, *Order on Reconsideration*, 26 FCC Rcd 17633 (2011); Connect America Fund, WC Docket No. 10-90 *et al.*, *Second Order on Reconsideration*, 27 FCC Rcd 4648 (2012); Connect America Fund, WC Docket No. 10-90 *et al.*, *Third Order on Reconsideration*, 27 FCC Rcd 5622 (2012); Connect America Fund, WC Docket No. 10-90 *et al.*, *Fourth Order on Reconsideration*, 27 FCC Rcd 8814 (2012).

which will be announced in a public notice released shortly following close of bidding.<sup>12</sup> **The prohibition applies to all applicants regardless of whether such applicants becomes qualified bidders or actually bid.**<sup>13</sup> For further information on the prohibition, applicants should refer to the *Auction 901 Procedures Public Notice*.<sup>14</sup>

### **B. Maintenance of Anonymous Bidding**

27. We remind applicants that, under the limited information disclosure procedures in effect for Auction 901, the Commission is withholding from public release, until after the close of bidding and announcement of auction results, any information that may indicate specific applicants' interests in the auction.<sup>15</sup> Accordingly, communication with other applicants or public disclosure of such non-public information may violate the Commission's anonymous bidding procedures and the rule prohibiting certain communications, section 1.21002 of the Commission's rules.<sup>16</sup>

28. Thus, applicants should refrain from communicating their specific interests in the auction not only to other applicants, but also to the public, financial analysts, or the press.<sup>17</sup> Examples of communications raising concern, given the anonymous bidding procedures in effect for Auction 901, would include an applicant's statement to the press that it is or is not interested in bidding in the auction.

### **C. Disclosure Obligations and Possible Sanctions**

29. Section 1.65 and 1.21002(c) of the Commission's rules require each auction applicant that makes or receives a communication that appears to violate section 1.21002 to report such communication in writing to the Commission immediately, and in no case later than five business days after the

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<sup>12</sup> 47 C.F.R. § 1.21002(b). Unless otherwise provided by public notice, winning bidders for Mobility Fund Phase I support must file an application for Mobility Fund Phase I support (also known as Form 680 or the long form application) no later than 10 business days after the release of the public notice identifying them as winning bidders. 47 C.F.R. § 54.1005(b)(1).

<sup>13</sup> For example, the Commission imposed a forfeiture in the amount of \$100,000 for violation of section 1.2105(c), even though the applicant never made an upfront payment for the auction and was not listed as a qualified bidder. *See* Northeast Communications of Wisconsin, Inc., *Forfeiture Order*, DA 04-3027, 19 FCC Rcd 18635 (Enf. Bur. 2004). The Commission subsequently reduced the amount of the forfeiture to \$75,000 due to the parties' history of compliance with Commission rules. *See* Star Wireless, LLC and Northeast Communications of Wisconsin, Inc., *Order on Review*, FCC 07-80, 22 FCC Rcd 8943 (2007), *review denied*, *Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (section 1.2105(c) applies to auction applicant regardless of whether the applicant is qualified to bid). The United States District Court for the Eastern District of Wisconsin granted summary judgment in favor of the United States pursuant to an effort by the Department of Justice to enforce the forfeiture. *United States v. Northeast Communications of Wis., Inc.*, 608 F.Supp. 2d 1049 (D. Wis. 2008). *See also* Letter to Robert Pettit, from Margaret W. Wiener, Chief, Auctions and Industry Analysis Div., DA 00-2905, 16 FCC Rcd 10080 (2000) (declining to exempt an applicant's controlling interest from coverage by section 1.2105(c), even though the applicant never made an upfront payment for the auction and was not listed as a qualified bidder).

<sup>14</sup> *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4741-47 ¶¶ 46-68.

<sup>15</sup> *Id.* at 4766-67 ¶ 147.

<sup>16</sup> 47 C.F.R. § 1.21002; *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4741-47, 4766-67 ¶¶ 46-68, 147.

<sup>17</sup> The Commission has long expressed the concern that applicants should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of non-public information relating to auctions, such as bids and bidding strategies. *Cf.* "Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction, *Public Notice*," DA 98-37, 13 FCC Rcd 341, 347-8 (1998) ("Public statements can give rise to collusion concerns. This has occurred in the antitrust context, where certain public statements can support other evidence which tends to indicate the existence of a conspiracy.").

communication occurs.<sup>18</sup> Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five day period.<sup>19</sup>

30. In addition, section 1.65 of the Commission's rules requires an applicant to report to the Commission any communication of a bid or bidding strategy that results in an arrangement, agreement, or understanding relating to participation in the competitive bidding after the short-form filing application deadline.<sup>20</sup>

31. Any party reporting a prohibited communication must take care to ensure that any such report does not itself give rise to a violation of section 1.21002. Applicants should take care not to make such reports of prohibited communication through the use of Commission filing procedures that would allow such materials to be made available for public inspection and thereby communicate prohibited information to other applicants.<sup>21</sup> Auction 901 applicants are required to file any report required by 1.21002(c) by email to [auction901@fcc.gov](mailto:auction901@fcc.gov), or to the following address: Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room 6423, Washington, DC 20554.<sup>22</sup>

32. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection.<sup>23</sup> Any such report must include a cover sheet to avoid the inadvertent dissemination of information contained in the report. You are encouraged to consult with the Auctions and Spectrum Access Division staff if you have any questions about the procedures for submitting such a report.<sup>24</sup> The *Auction 901 Procedures Public Notice* provides additional guidance on procedures for submitting application-related information.<sup>25</sup>

33. Any applicant that is a winning bidder may be required to disclose in its long-form application the specific terms, conditions, and parties involved in all bidding consortia, joint ventures,

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<sup>18</sup> 47 C.F.R. §§ 1.65, 1.21002(c); *see also* Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, WT Docket No. 97-82, *Seventh Report and Order*, FCC 01-270, 16 FCC Rcd 17546, 17552 ¶ 12 (2001) (“*Part 1 Seventh Report and Order*”) (“[T]he Section 1.2105(c) reporting requirement we adopt today applies even if the communication of bids or bidding strategies does not result in a bidding arrangement, agreement or understanding that must be reported to the Commission under Section 1.65(a).”)

<sup>19</sup> *See* Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, *Second Report and Order*, FCC 07-132, 22 FCC Rcd 15289, 15395 ¶¶ 285-86 (2007).

<sup>20</sup> 47 C.F.R. § 1.65. *See Part 1 Seventh Report and Order*, 16 FCC Rcd at 17550-51 ¶ 9.

<sup>21</sup> Procedural Amendments to Commission Part 1 Competitive Bidding Rules, WT Docket No. 10-18, *Order*, FCC 10-4, 25 FCC Rcd 521, 522 ¶ 4 (2010).

<sup>22</sup> *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4746-47 ¶¶ 64-66.

<sup>23</sup> *See* 47 C.F.R. § 0.459 (procedures for requesting that materials or information submitted to the Commission be withheld from public inspection). If an applicant requests confidential treatment of a document, the cover page of the filing must prominently display that the applicant is seeking confidential treatment for that document. For example, a filing might include a cover page stamped with “Request for Confidential Treatment Attached” or “Not for Public Inspection.” Any such request must cover all of the material to which the request applies. *See* 47 C.F.R. § 0.459(a).

<sup>24</sup> *See* Section VII., “Contact Information,” below.

<sup>25</sup> *See Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4746-47 ¶¶ 64-66.

partnerships, or other agreements or arrangements entered into relating to the competitive bidding process.<sup>26</sup>

34. Any applicant found to have violated section 1.21002 of the Commission's rules may be subject to sanctions.<sup>27</sup> In addition, we remind each applicant that it is subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws in connection with its participation in the competitive bidding process, it may be subject to forfeiture and may be prohibited from participating in future auctions.<sup>28</sup>

#### **D. Submission of Auction-Related Filings**

35. As noted above, an applicant seeking to amend its short-form application during the auction must make modifications electronically and submit a letter, briefly summarizing the changes, by email to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: [auktion901@fcc.gov](mailto:auktion901@fcc.gov). The email summarizing the changes must include a subject or caption referring to Auction 901 and the name of the applicant.

36. A party wishing to submit a request, complaint, or other information concerning Auction 901 should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: [auktion901@fcc.gov](mailto:auktion901@fcc.gov). The Commission occasionally receives complaints regarding specific bidders and requests to suspend bidding during an auction. While the Commission reserves the right to take appropriate action during an auction to preserve the integrity of the auction process, it is generally our practice to address any such allegations only after a winning bidder has submitted its long-form application, when there is greater opportunity for investigation of such allegations, if warranted. The Commission will not investigate any complaints or allegations that are not accompanied by full contact information, including name, address, and telephone number, for the complaining party or parties.

37. Finally, parties wishing to make suggestions concerning Auction 901 or future auctions should present such ideas using the suggestion feature of the FCC Auction System. (As mentioned above, this feature is not an appropriate mechanism for posing time-sensitive questions that need an immediate response.) Commission staff considers all suggestions, but may not always provide an individualized response.

#### **E. Duty to Maintain Accurate Information in Short-Form Applications (FCC Form 180)**

38. Each applicant must maintain the accuracy and completeness of information furnished in its short-form application, including any attachments.<sup>29</sup> Each applicant should therefore amend its short-form application to furnish additional or corrected information within five days of a significant occurrence, or no more than five days after the applicant becomes aware of the need for amendment.

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<sup>26</sup> See *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4747 ¶ 67; see also 47 C.F.R. § 54.1005(b)(2)(xi) (applicants for Mobility Fund Phase I support will need to provide such additional information as the Commission may require).

<sup>27</sup> See 47 C.F.R. § 1.21002; *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4745 ¶ 59-60.

<sup>28</sup> See 47 C.F.R. §§ 1.2109(d), 1.21002, 54.1007(c); see also *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4747-48 ¶¶ 69-70.

<sup>29</sup> See 47 C.F.R. §§ 1.65 and 1.21002(c). For more information on making administrative changes to an existing application, see "Minor Modifications to Short-Form Applications" and "Maintaining Current Information in Short-Form Applications" in the *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4756-58 ¶¶ 103-09; see also "Mobility Fund Phase I Auction: Supplemental Short-Form Instructions and Other Information," *Public Notice*, AU Docket No. 12-25, DA 12-947, 27 FCC Rcd 6368 (2012).

39. An applicant seeking to provide additional or updated information must modify its short-form application electronically and submit a letter briefly summarizing the change by email to [auction901@fcc.gov](mailto:auction901@fcc.gov). The email summarizing the change must include a subject or caption referring to Auction 901 and the name of the applicant. The Bureaus request that parties format any attachments to email as Adobe® Acrobat® (pdf) or Microsoft® Word documents. An applicant must not submit application-specific material through the Commission’s Electronic Comment Filing System (“ECFS”). Questions about changes should be directed to the Auctions and Spectrum Access Division at (202) 418-0660.

40. As described in the Commission’s rules, an applicant may make only minor corrections to its short-form application (e.g., deletion and addition of authorized bidders or changes to contact information).<sup>30</sup> A major modification (e.g., change in control of the applicant or change of the certifying official) will not be accepted.<sup>31</sup> Each applicant must clearly state the nature of the change in an amendment to its short-form application and in the summary letter referenced above.

41. When amending short-form applications, applicants must avoid any statements or disclosures that may violate section 1.21002 of the Commission’s rules, particularly in light of the limited information disclosure procedures in place for Auction 901.<sup>32</sup> Parties submitting information related to their applications should use caution to ensure that their submissions do not contain confidential information or communicate information that would violate section 1.21002 or the limited information procedures adopted for Auction 901. Therefore, a party seeking to submit information that might reflect non-public information should consider submitting any such information along with a request that the filing or portions of the filing be withheld from public inspection until the end of the prohibition on certain communications pursuant to section 1.21002.

#### **F. Ex Parte Rule**

42. Applicants should also be aware that the Commission has generally treated short-form applications to participate in an auction as exempt proceedings and, therefore, not subject to the *ex parte* prohibitions that pertain to restricted proceedings.<sup>33</sup>

#### **G. Due Diligence**

43. Potential bidders are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the level of Mobility Fund Phase I support submitted as a bid in Auction 901. We strongly encourage potential bidders to conduct their own research in order to determine the existence of pending administrative or judicial proceedings, including pending rulemaking proceedings that might affect their decisions regarding participation in the auction. Additionally, a potential bidder is responsible for ensuring that, if it wins support, it will be able to build and operate facilities that fully comply with all technical and legal requirements. For further details regarding due diligence, please refer to the *Auction 901 Procedures Public Notice* under Section I.D.3.<sup>34</sup>

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<sup>30</sup> See 47 C.F.R. § 1.21001(d).

<sup>31</sup> *Id.*

<sup>32</sup> See *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4746-47, 4766-67 ¶¶ 64-66, 147.

<sup>33</sup> See “Commission Announces that Mutually Exclusive ‘Short-Form’ Applications (Form 175) to Participate in Competitive Bidding Process (‘Auctions’) Are Treated as Exempt for *Ex Parte* Purposes,” *Public Notice*, FCC 94-283, 9 FCC Rcd 6760 (1994).

<sup>34</sup> See *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4748-49 ¶¶ 71-77.

## VI. POST-AUCTION INFORMATION

### A. Post-Auction Procedures

44. Shortly after bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bidders, and establishing the deadline for filing the long-form application.<sup>35</sup> Winning bidders will use the new FCC Form 680 and the FCC Auction system to submit the long-form application.<sup>36</sup> Further filing instructions will be provided to auction winners at the close of the auction.

## VII. CONTACT INFORMATION

45. For further information concerning Auction 901, please contact:

### General Auction Information

General Auction Questions  
Auction Process and Procedures

### FCC Auctions Hotline

(888) 225-5322, option two; or  
(717) 338-2868

### Auction 901 Legal Information

Auction Rules, Policies, Regulations, including  
Reports of section 1.21002 Violations and  
Application Modifications

### Auctions and Spectrum Access Division

(202) 418-0660  
Sayuri Rajapakse

### General Universal Service Questions

### Wireline Competition Bureau

(202) 418-7400  
Alex Minard

### Technical Support

Electronic Filing  
FCC Auction System (Hardware/Software  
Issues)

### FCC Auctions Technical Support Hotline

(877) 480-3201, option nine; or (202) 414-1250  
(202) 414-1255 (TTY)  
Hours of service: 8:00 a.m. – 6:00 p.m. ET,  
Monday through Friday

46. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

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<sup>35</sup> For more details on these procedures, see *Auction 901 Procedures Public Notice*, 27 FCC Rcd at 4768-78 ¶¶ 158-192.

<sup>36</sup> See 47 C.F.R. § 54.1005(b).